

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

**FRANCISCO MENDOZA and
JUANA VALENCIANO,**

Plaintiffs,

v.

No. 1:18-cv-00362 SWS-MLC

DAIRYLAND INSURANCE COMPANY,

Defendant.

**PLAINTIFF'S NOTICE OF NON-APPEARANCE FOR DEPOSITION SCHEDULED
FOR MONDAY, SEPTEMBER 17, 2018**

Plaintiff Francisco Mendoza, through counsel, Joseph M. Romero, hereby gives notice of his non-appearance at the deposition of the Plaintiff scheduled for September 17, 2018. As grounds in support hereof, Plaintiff states:

Plaintiff has been removed from the U.S. for immigration violations. He is barred from seeking readmission for a set period of time. Pursuant to 8 U.S.C. 1326 it is an offense for any alien who has been denied admission, excluded, deported, or removed, or has departed the United States while an order of exclusion, deportation or removal is outstanding and thereafter enters, attempts to enter, or is at any time found in the United States, unless prior to the alien's reembarkation at a place outside the United States or his application from foreign contiguous territory, the Attorney General has expressly consented to such alien's for admission, or such alien shall establish that he was not required to obtain such advance consent under the Immigration and Nationality Act or any prior Act. The basic statutory maximum penalty for reentry after deportation is imprisonment for not more than 2 years, a fine under title 18, or both. Were Plaintiff to admit to reenter the country to attend the deposition, he would be subject to incarceration.

Respectfully Submitted

“Electronically Filed”
By: /s/ Joseph M. Romero
P.O. Box 27579
Albuquerque, NM 87125
(505) 433-1642
Attorney for Plaintiffs

I hereby certify that a true and correct copy of the foregoing was delivered to all counsel of record via the Court’s CM/ECF electronic filing system on the date set forth in the Court-affixed header attached hereto.

“Electronically Filed”
By: /s/ Joseph M. Romero